IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Martin WAUGH		
Serial No.:	10/010,627	Examiner:	Akiba K. Robinson Boyce
Filed:	November 8, 2001	Art Unit:	3639
Confirmation No.:	4871		
For:	SYSTEM AND METHOD FOR ADDING NETWORK TRAFFIC DATA TO A DATABASE OF NETWORK TRAFFIC DATA		
Date:	July 25, 2007		

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANT'S BRIEF

UNDER 37 C.F.R. § 41.37

Appeal is taken from the Examiner's Final Office Action mailed February 14, 2007, finally rejecting claims 1-6, 8-28, 30-53, 55-56, and 58-61 in this application.

This Appeal Brief is in furtherance of the Notice of Appeal in this case filed on May 8, 2007.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

A single copy of this brief is submitted in accordance with 37 C.F.R. § 41.37(a)(1).

This Brief contains these items under the following headings, and in the order set forth below.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

WebTrends, Inc. is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no other appeals or interferences known to Applicant, the Applicant's representative, or assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Status of All the Claims:

1. Claims presented: 1-6, 8-28, 30-53, 55-56, and 58-61
2. Claims withdrawn from consideration but not canceled: None
3. Claims canceled: None
4. Claims pending: 1-6, 8-28, 30-53, 55-56, and 58-61, of which:
    a. Claims allowed: NONE
    b. Claims rejected: 1-6, 8-28, 30-53, 55-56, and 58-61

All the rejected claims, namely claims 1-6, 8-28, 30-53, 55-56, and 58-61, are being appealed. The appealed claims are eligible for appeal, having been finally rejected.

IV. STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

No Amendments were filed subsequent to the Final Office Action dated February 14, 2007.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

This invention pertains to traffic monitoring and more particularly to storing traffic data in a database (*see* specification, page 1, lines 16-17).

Claim 1 is directed toward a method for storing network traffic data, the method comprising: retrieving a hit record of network traffic data (*see, e.g.*, specification, page 4, lines 4-9, page 14, lines 5-6, and FIG. 13A, reference 1310); assigning the hit record to a visitor (*see, e.g.*, specification, page 5, lines 1-9, page 6, lines 10-11, page 14, lines 23-24, and FIG. 14, reference 1402); recognizing visit information for the visitor based on the hit record (*see, e.g.*, specification, page 5, lines 1-9, page 6, lines 17-22, page 7, lines 27-33, page 14, lines 14-32, FIG. 13B, references 1323, 1325, 1330, and 1335, and FIG. 14, references 1402, 1405, 1410, 1415, and 1420); identifying a content group viewed by the visitor (*see, e.g.*, specification, page 6, line 17 through page 7, line 2); and storing the visit information for the visitor and the content group viewed by the visitor in a database (*see, e.g.*, specification, page 4, lines 9-10, page 7, line 3, page 8, line 4 through page 9, line 3, FIG. 6, references 605, 630, 655, 675, and 690, and FIG. 7, references 705 and 725).

Claim 8 is directed toward a method according to claim 1, wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business (*see, e.g.*, specification, page 6, lines 18-22, page 8, lines 5-8, page 12, lines 7-13, page 14, lines 27-29, and FIG. 14, reference 1410).

Claim 9 is directed toward a method according to claim 1, the method further comprising extracting the visit information from a web-based form (*see, e.g.*, specification, page 6, lines 21-22, page 14, lines 29-31, and FIG. 14, reference 1415).

Claim 11 is directed toward a method according to claim 1, the method further comprising eliminating inaccurate counting of visit information from the database (*see, e.g.*, specification, page 10, line 31 through page 11, line 27, page 14, lines 10-11, and FIG. 13A, reference 1318).

Claim 13 is directed toward a method according to claim 12, wherein: the method further comprises storing the hit record in a database (*see, e.g.*, specification, page 1, lines 26-31, page 2, line 1, page 3, line 32 through page 4, line 3, page 4, lines 14-15, page 7, lines 31-33, FIG. 1, references 105, 145, and 155, and FIG. 2, reference 255); and eliminating inaccurate counting further includes regenerating visit information from the hit record in the database for the open visit (*see, e.g.*, specification, page 9, line 32 through page 10, line 6, page 10, line 26 through page 11, lines 21-27, page 14, lines 10-11, page 15, lines 1-6, FIG. 13A, reference 1318, FIG. 15, references 1505, 1510, and 1515).

Claim 14 is directed toward a method according to claim 12, wherein eliminating inaccurate counting further includes: detecting an open visit in a current time slice (*see, e.g.*, specification, page 9, lines 8-10, page 15, lines 7-12, FIG. 16, references 1605, 1610, 1615, and 1620); determining a corresponding visit in an adjacent time slice (*see, e.g.*, specification, page 9, lines 8-10, page 15, lines 7-12, FIG. 16, references 1605, 1610, 1615, and 1620); and adding visit information from the open visit to the corresponding visit (*see, e.g.*, specification, page 9, lines 8-10, page 15, lines 7-12, FIG. 16, references 1605, 1610, 1615, and 1620).

Claim 15 is directed toward a method according to claim 1, wherein storing the visit information includes: using a semaphore on the database for a time range (*see, e.g.*, specification, page 9, lines 8-11, page 13, line 24 through page 14, line 2, FIG. 8, reference 875, and FIG. 13A, reference 1305); and releasing the semaphore after the visit information is stored (*see, e.g.*, specification, page 9, lines 8-11, page 14, lines 15-16, FIG. 8, reference 875, and FIG. 13B, reference 1325).

Claim 16 is directed toward a method according to claim 15, wherein storing the visit information further includes blocking an operation on the time range until the semaphore is released (*see, e.g.*, specification, page 9, lines 16-18, page 14, lines 3-5, FIG. 8, reference 875, FIG. 13A, reference 1307, and FIG. 13B, reference 1325).

Claim 17 is directed toward a method according to claim 1, further comprising: using a semaphore on the database (*see, e.g.*, specification, page 9, lines 8-10, and FIG. 8, reference 875); retrieving the visit information from the database (*see, e.g.*, specification, page 14, lines 14-15 and FIG. 13B, reference 1322); and releasing the semaphore after the visit information is retrieved (*see, e.g.*, specification, page 14, lines 3-5 and 15-16, FIG. 13A, reference 1307 and FIG. 13B, reference 1325).

Claim 18 is directed toward a method according to claim 1, wherein storing the visit information further includes taking a snapshot of a setting for the database for use in analyzing the visit information (*see, e.g.*, specification, page 9, lines 19-28, page 10, lines 7-21, page 14, lines 8-11, FIG. 8, reference 890, and FIG. 13A, reference 1317).

Claim 20 is directed toward a method according to claim 1, the method further comprising purging the visit information from the database (*see, e.g.*, specification, page 10, lines 3-6, page 14, lines 17-20, and FIG. 13B, reference 1335).

Claim 23 is directed toward a computer-readable medium containing a program to store network traffic data, the program comprising: retrieval software to retrieve a hit record of network traffic data (*see, e.g.*, specification, page 4, lines 4-9, page 14, lines 5-6, and FIG. 13A, reference 1310); assignment software to assign the hit record to a visitor (*see, e.g.*, specification, page 5, lines 1-9, page 6, lines 10-11, page 14, lines 23-24, and FIG. 14, reference 1402); recognition software to recognize visit information for the visitor based on the hit record (*see, e.g.*, specification, page 5, lines 1-9, page 6, lines 17-22, page 7, lines 27-33, page 14, lines 14-32, FIG. 13B, references 1323, 1325, 1330, and 1335, and FIG. 14, references 1402, 1405, 1410, 1415, and 1420); identification software to identify a content group viewed by the visitor (*see, e.g.*, specification, page 6, line 17 through page 7, line 2); and storing software to store the visit information for the visitor and the content group viewed by the visitor in a database (*see, e.g.*, specification, page 4, lines 9-10, page 7, line 3, page 8, line 4 through page 9, line 3, FIG. 6, references 605, 630, 655, 675, and 690, and FIG. 7, references 705 and 725).

Claim 45 is directed toward an apparatus designed to store network traffic data, the apparatus comprising: a computer system (*see, e.g.*, specification, page 3, lines 16-20 and FIG. 2, references 205, 240, and 235); at least one hit record on the computer system (*see, e.g.*, specification, page 4, lines 4-9 and page 14, lines 5-6); a database on the computer system (*see,*

e.g., specification, page 4, lines 9-10 and FIG. 2, reference 255), the database designed to store visit information derived from the hit record (*see, e.g.*, specification, page 4, lines 9-10, page 7, line 3, page 8, line 4 through page 9, line 3, FIG. 6, references 605, 630, 655, 675, and 690, and FIG. 7, references 705 and 725); and means for deriving visit information from the hit record on the computer system (*see, e.g.*, specification, page 5, lines 1-9, page 6, lines 17-22, page 7, lines 27-33, page 14, lines 12-32, FIG. 13B, references 1320, 1323, 1325, 1330, and 1335, and FIG. 14, references 1402, 1405, 1410, 1415, and 1420), the visit information including at least one content group viewed by at least one visitor (*see, e.g.*, specification, page 6, line 17 through page 7, line 2).

Claim 53 is directed toward a method for tracking a visit information, the method comprising: assigning a name to the visit information (*see, e.g.*, specification, page 15, lines 14-15, and FIG. 17, reference 1705); identifying a uniform resource locator (URL) and a parameter name for the value for the visit information (*see, e.g.*, specification, page 8, lines 15-27, page 13, lines 13-22, page 15, lines 15-16, FIG. 12, references 1205, 1210, 1215, 1220-1, and 1220-2, and FIG. 17, reference 1710); specifying the URL and the parameter name as a source of a value for the visit information (*see, e.g.*, specification, page 8, lines 18-19, page 15, lines 15-16, FIG. 6, reference 655, and FIG. 17, reference 1710); and storing the name of the visit information and the source of a value for the visit information in a database (*see, e.g.*, specification, page 8, lines 13-27, FIG. 6, references 655, 675, and 690, page 15, lines 18-19, and FIG. 17, reference 1720).

Claim 56 is directed toward a computer-readable medium containing a program to track a visitor characteristic, the program comprising: assignment software to assign a name to the visit information (*see, e.g.*, specification, page 15, lines 14-15, and FIG. 17, reference 1705); identification software to identify a uniform resource locator (URL) and a parameter name for the value for the visit information (*see, e.g.*, specification, page 8, lines 15-27, page 13, lines 13-22, page 15, lines 15-16, FIG. 12, references 1205, 1210, 1215, 1220-1, and 1220-2, and FIG. 17, reference 1710); specification software to specify the URL and the parameter name as a source of a value for the visit information (*see, e.g.*, specification, page 8, lines 18-19, page 15, lines 15-16, FIG. 6, reference 655, and FIG. 17, reference 1710); and storage software to store the name of the visit information and the source of a value for the visit information in a database (*see, e.g.*,

specification, page 8, lines 13-27, FIG. 6, references 655, 675, and 690, page 15, lines 18-19, and FIG. 17, reference 1720).

Claim 59 is directed toward a method according to claim 1, wherein identifying a content group viewed by the visitor includes identifying the content group based on a content viewed by the visitor (*see, e.g.*, specification, page 6, line 23 through page 7, line 2).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
37 C.F.R. § 41.37(c)(1)(vi)

The Examiner has rejected claims 1-6, 9, 11-14, 19-28, 31, 33-36, 41-50, 53, 55-56, and 58-61 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,097 to Hansen et al. ("Hansen") in view of U.S. Patent No. 5,974,572 to Weinberg et al. ("Weinberg").

The Examiner has rejected claims 8, 10, 30, and 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,097 to Hansen et al. ("Hansen") in view of U.S. Patent No. 5,974,572 to Weinberg et al. ("Weinberg") and U.S. Patent No. 5,724,521 to Dedrick ("Dedrick").

The Examiner has rejected claims 15-18, 37-40, and 51-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,097 to Hansen et al. ("Hansen") in view of U.S. Patent No. 5,974,572 to Weinberg et al. ("Weinberg") and U.S. Patent No. 6,065,068 to Foote ("Foote").

For the convenience of the Board of Appeals, the following documents have been reproduced and are attached:

- Final Office Action dated February 14, 2007, attached as Exhibit "1"
- Amendment filed December 4, 2006, attached as Exhibit "2"
- Office Action dated September 22, 2006, attached as Exhibit "3"
- Definition of 'clear' from Merriam-Webster Online Dictionary, attached as Exhibit "4"

VII. ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

I. Grouping of Claims

For purposes of the rejections under 35 U.S.C. § 103(a), the claims include thirteen groups of claims. Claims 1-7, 19, 21, 23-28, 41, 43, and 45-47 are grouped together. Claims 9, 31, and 48 are grouped together. Claims 11, 33, and 49 are grouped together. Claims 13 and 35 are grouped together. Claims 14 and 36 are grouped together. Claims 20, 22, 42, 44, and 50 are grouped together. Claims 53 and 56 are grouped together. Claims 59-61 are grouped together. Claims 8 and 30 are grouped together. Claims 15, 37, and 52 are grouped together. Claims 16 and 38 are grouped together. Claims 17 and 39 are grouped together. Claims 18, 40, and 51 are grouped together.

II. General discussion about the references

Hansen teaches a method for characterizing patterns of usage of a website. Hits are organized into visits. A shadow directory is constructed from the visits that compiles information relating hits made to web components. The information is then hierarchically organized, and the information stored, so that it can be organized as another website.

Weinberg teaches a system and method for generating a load test using a server access log. Weinberg begins by analyzing the pages and links in a web site, and builds a site map that graphically depicts the connections between the pages. Weinberg provides filters used to identify common web site problems: for example, links to missing pages.

Dedrick teaches providing advertisements to end users, using a "yellow page server" (*see* Dedrick, column 18, line 35). Dedrick provides an index database to store advertisements, a user profile database, and a consumer scale matching process(*see* Dedrick, Abstract). The consumer scale matching process is used to compare end users with a consumer scale, which can be used to charge a fee to an advertiser (*see* Dedrick, Abstract).

Foote teaches a modular distributed I/O system (*see* Foote, Abstract). Foote uses a semaphore to control read/write access to an I/O system address space (*see* Foote, Abstract).

The Examiner has acknowledged that Hansen does not teach certain features of the claims, namely:

- identifying a content group viewed by the visitor; and storing the visit information for the visitor and the content group viewed by the visitor in a database (claims 1 and 23: *see* Office Action dated February 14, 2007, page 4)
- identifying an advertising campaign that brought the visitor to a business (claims 8, 10, 20, and 32: *see* Office Action dated February 14, 2007, page 11-12)
- using a semaphore on the database for a time range; and releasing the semaphore after the visit information is stored (claims 15-17, 37-40, and 51-52: *see* Office Action dated February 14, 2007, page 13)

The Examiner has acknowledged that Weinberg does not teach certain features of the claims, namely:

- identifying an advertising campaign that brought the visitor to a business (claims 8, 10, 20, and 32: *see* Office Action dated February 14, 2007, page 11-12)
- using a semaphore on the database for a time range; and releasing the semaphore after the visit information is stored (claims 15-17, 37-40, and 51-52: *see* Office Action dated February 14, 2007, page 13)

The Examiner cites to Weinberg, Dedrick, and Foote for specific features. The Applicant asserts that Weinberg, Dedrick, and Foote do not teach any features for which the Examiner does not cite the references for.

III. Rejections over Hansen in view of Weinberg

A. Claims 1-6, 19, 21, 23-28, 41, 43, and 45-47 are patentable over Hansen in view of Weinberg

Insofar as claims 1-6, 19, 21, 23-28, 41, 43, and 45-47 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 1 on behalf of the group.

The Examiner acknowledges that Hansen does not teach "identifying a content group viewed by the visitor... or storing the content group viewed by the visitor" (*see* Office Action dated February 14, 2007, page 4). The Examiner cites to Weinberg as teaching this feature. Specifically, the Examiner cites to column 16, lines 9-14 of Weinberg, arguing that Weinberg "shows [that a] user can filter the content on a web site according to content/service filters, which filter out the URLs of specific content types such as, for example, images or plain text" (*see* Office Action dated February 14, 2007, page 4).

The Examiner suggests that the filters of Weinberg teach "content groups" as recited in the claims. The Applicant respectfully disagrees. While Weinberg does discuss "filter buttons for filtering the content of site maps" (*see* Weinberg, column 16, lines 9-10), nowhere does Weinberg mention content groups, either explicitly or by implication. Weinberg discloses that URLs can be filtered based on a "content types", "statuses", and "local URLs and external URLs. Weinberg also provides a laundry list of what constitutes a "content type": "(a) HTML, (b) HTML forms, (c) images, (d) audio, (e) CGI, (f) Java, (g) other applications, (h) plain text, (i) unknown, (j) redirect, (k) video, (l) Gopher, (m) FTP, and (n) all other Internet services" (*see* Weinberg, column 16, lines 17-21).

The Examiner appears to be analogizing "content groups" as recited in the pending claims with "content type" described by Weinberg. While such an analogy is perhaps understandable given that "content groups" are described as "types of content" in the specification (*see* page 6, line 23), the Applicant respectfully suggests that "content groups" and "content type" are not the same concept. It is clear from the laundry list recited by Weinberg that he considers "content type" to be based on a "type" of the page. For example, all pages that are coded in HTML are considered to be the same "type" of content as far as Weinberg is concerned. Weinberg's focus is on how the content is presented: namely, what form does the coding take.

In contrast, "content group" is determined by the "content offered by the business that can be viewed by the visitor" (*see* specification, page 6, lines 23-24). Two different pages could be part of different "content groups" as recited in the claims, but be of the same "content type" within Weinberg's analysis. For example, a content group called "pants" can include content that might span any number of Weinberg's "content groups". Since Weinberg provides a

laundry list of "content types", none of which correspond with "content group" as recited in the claims, the Applicant believes Weinberg fails to teach the feature of identifying a content group.

The Examiner argues that filtering in Weinberg provides "filtering out the URLs of content or service types such as HTML forms, images, etc." (*see* Office Action dated February 14, 2007, page 15). But consider how filtering differs from content groups. While Weinberg does describe some of these filters as "content/service filters (*see* Weinberg, column 16, line 14), this term does not teach content groups. The fact that Weinberg provides a laundry list of what constitutes a "content/service filter" shows that Weinberg's filters provide a different functionality.

Consider, for example, what would happen if a user of Weinberg were to select filtering based on images. This would result in reducing the graphical user interface to showing only images. This would necessarily eliminate HTML objects, as HTML is a separate filter in Weinberg. But consider again the "pants" content group. This content group would include both images and HTML objects relating to pants (along with any other objects relating to pants). Thus, filtering in Weinberg would reduce the objects in the graphical user display to a set that omits items that are part of the content group (such as HTML objects of pants). And filtering in Weinberg would also include leave objects in the graphical user display that are not part of the content group (for example, images relating to shirts).

As the combination of Hansen and Weinberg does not teach identifying a content group viewed by the visitor or storing the content group viewed by the visitor in a database, claim 1 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Similarly, claims 23 and 45 are allowable, as are claims 2-6, 19, 21, 23-28, 41, 43, 45-47, 52 and 59-61, which also depend from claims 1, 23, and 45.

B. Claims 9, 31, and 48 are patentable over Hansen in view of Weinberg

Insofar as claims 9, 31, and 48 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 9 on behalf of the group.

Claim 9 depends from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 9.

In rejecting claim 9, the Examiner cites to column 12, lines 3-7 of Hansen, arguing that Hansen teaches "extracting" (*see* Office Action dated February 14, 2007, page 6). But the cited portion of Hansen only discloses "extracting selected information from said raw hit records, thereby to create, from each raw hit record, a filtered hit record, the selected information including information identifying the Web component to which the respective hit record pertains" (*see* Hansen, column 12, lines 3-7). The cited portion of Hansen does not describe extracting visit information from a web-based form, as claimed. Indeed, nowhere does Hansen even mention web-based forms, let alone extracting visit information from web-based forms.

First, the cited portion of Hansen is from the claims; if Hansen does not describe this concept anywhere in the specification, then the claim language is not enabled, and therefore Hansen cannot teach the features of claim 9 of this application.

Second, Hansen describes "extracting . . . information identifying the Web component" (*see* Hansen, column 12, lines 3-6). Thus, Hansen is not "extracting the visit information from a web-based form" as claimed.

Third, the Examiner is arguing from the general to the specific. According to the Examiner, "[s]ince a Web-based form is a Web component, Hansen teaches this limitation" (*see* Office Action dated February 14, 2007, page 16). This is inappropriate. According to M.P.E.P. § 2131.02, "[a] species will anticipate a claim to a genus. . . . A genus does not always anticipate a claim to a species within the genus". The Examiner argues that Hansen teaches a "web component", and therefore Hansen teaches anything that could be a web component. This is arguing from the general to the specific, and is an improper form of logic.

To illustrate the flaw in the Examiner's logic, consider the following argument: (1) All dolphins are creatures that live in the ocean. (2) Creatures that live in the ocean extract oxygen from the water using gills. (3) Therefore, dolphins have gills. This fallacious argument reasons from the general to the specific in an improper manner, much like the Examiner's argument that Hansen teaches a web-based form.

As the combination of Hansen and Weinberg does not teach extracting information from a web-based form, claim 9 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Similarly, claims 31 and 48 are allowable, as are claims 10 and 32, which also depend from claims 9 and 31.

C. Claims 11, 33, and 49 are patentable over Hansen in view of Weinberg

Insofar as claims 11, 33, and 49 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 11 on behalf of the group.

Claim 11 depends from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 11.

The Examiner cites to column 8, lines 20-22 of Hansen as teaching eliminating inaccurate counting of visit information (*see* Office Action dated February 14, 2007, page 6). The Examiner briefly mentions the misuse of cookies described in Hansen, without explaining how the misuse of cookies could eliminate the inaccurate count of visit information.

At page 10, line 31, through page 11, line 20, the specification describes some forms of inaccurate counting of visit information; page 15, lines 1-12 describe two embodiments of how to eliminate inaccurate counting of visit information. The Applicant believes that the specification is clear on what is meant by inaccurate counting of visit information: there is an inaccurate count when the analysis of the hit records suggests more or fewer visits than actually occurred.

In contrast, the cited portion of Hansen merely mentions that some users are distrustful of the purposes for which servers would deposit cookies on a client machine, and are refusing to allow servers to place cookies on their machines. This has nothing to do eliminating inaccurate counts: if anything, the refusal of a client to allow a server to put a cookie on the client's machine is likely to increase count inaccuracy, if the server depends on cookies to identify visitors.

While it is true that Hansen discloses embodiments for determining visitors without using cookies, this fact is irrelevant to this argument. The Examiner has cited to the embodiment of Hansen that uses cookies to identify visitors. Using that embodiment, if a client refuses the server permission to place a cookie on the client machine, then the server will have an inaccurate count of visitors. That there might be an alternative approach to counting visits is irrelevant under this embodiment.

And even if one could combine the embodiment of Hansen that uses cookies with one of the embodiments described by Hansen that does not use cookies to count visits, the combination still does not teach how to eliminate inaccurate counts. Counts could be inaccurate for any number of reasons. For example, using the cookie embodiment, if a user were to permit a cookie to be placed on his or her machine at the start of the visit, and during the course of the visit delete the cookie, the server would think that the later website hits are from a different visit (even if a new cookie is placed on the user's machine). And in either embodiment, if a visit were underway at the time the system analyzes for visits, the hits that occurred after the analysis would be considered a separate visit, even though when analyzed using a different time window they would be considered a single visit. These examples show how there could be inaccurate counts in Hansen: Hansen does not teach or suggest how to address these inaccuracies.

The Examiner argues that Hansen teaches how to track users without cookies by "assigning a unique number to the user so that each time a hit is made by that user, the unique number is taken into account, which in turn solves the issue of producing erroneous results for user hits by providing robust tracking of visitors" (*see* Office Action dated February 14, 2007, pages 16-17). This argument has two flaws.

First, the Examiner does not address how the user is assigned the "unique number". Presumably, when the user first visits a target web site, the "unique number" would be assigned. Many web sites accomplish this by storing the "unique number" in the URL, which is carried from link to link within the web site. But what if the user leaves the target web site (for example, by closing his or her Internet browser), then returns to the target web site a few moments later? As the Examiner's description does not explain how the user can be assigned the same "unique number" (since no cookies are used), the user would be assigned a different "unique number". This means that multiple hits from the user would be tracked with different "unique numbers", and the visit information would be incorrectly tallied.

Second, even assuming the Examiner's described solution were operable, it would not "eliminate[e] inaccurate counting of visit information from the database": it would "prevent" an inaccurate count in the first place. As one could not "eliminate" what is not inaccurate to start, the Examiner's described solution would not satisfy the language of the claims.

As the combination of Hansen and Weinberg does not teach eliminating inaccurate counting of visit information from the database, claim 11 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Similarly, claims 33 and 49 are allowable, as are claims 12, 35, and 50, which also depend from claims 11, 33, and 49.

D. Claims 13 and 35 are patentable over Hansen in view of Weinberg

Insofar as claims 13 and 35 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 13 on behalf of the group.

Claim 13 depends (indirectly) from claims 1 and 11. Accordingly, all arguments made above with reference to claims 1 and 11 also apply to claim 13.

The dictionary definition of the transitive sense of "regenerate" is "to generate or produce anew" (*see* Definition of regenerate - Merriam-Webster Online Dictionary, http://www.m-w.com/dictionary/regenerating, a copy of which can be found attached to the Response to the Office Action dated September 22, 2006). In contrast, Hansen tracks activity relative to web components (*see* Hansen, column 10, lines 1-3). Hansen does not teach regenerating visit information under any circumstances, let alone as part of eliminating inaccurate counts (which, as argued above, Hansen does not teach).

The Examiner cites to column 7, lines 20-22 as teaching regenerating the visit information (*see* Office Action dated February 14, 2007, page 6). But the cited portion of Hansen in fact describes problems with the prior art that required regeneration: Hansen is directed toward a method that avoids regeneration, and therefore the embodiments of Hansen teach away from the need for regenerating visit information.

In addition, Hansen says that "specialized reporting software . . . would have to be regenerated each time the Web site was altered" (*see* Hansen, column 7, lines 21-22). In other words, there is a pre-condition described in Hansen for regeneration: the website has to be altered. In the claims, no such pre-condition exists. Further, the cited portion of Hansen refers to regenerating software, not visit information. Regeneration as claimed is to eliminate inaccurate counting from an open visit. Thus, Hansen does not teach regenerating as claimed.

As the combination of Hansen and Weinberg does not teach regenerating visit information from the hit record in the database for the open visit, claim 13 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Similarly, claim 35 is allowable.

E. Claims 14 and 36 are patentable over Hansen in view of Weinberg

Insofar as claims 14 and 36 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 14 on behalf of the group.

Claim 14 depends (indirectly) from claims 1 and 11. Accordingly, all arguments made above with reference to claims 1 and 11 also apply to claim 14.

In rejecting claim 14, the Examiner cites to column 2, lines 21-30 of Hansen, and referring to the fact that Hansen teaches requesting records chronologically (*see* Office Action dated February 14, 2007, page 7). The Examiner states that "Hansen discloses that all record requests [for a visit] are recorded chronologically. Because of this type of recordation, each request [for a visit] occurs in a time sequence, and therefore, a first recorded request occurs earlier than a second recorded request" (*see* Office Action dated February 14, 2007, page 17). But this argument ignores the language of the claims. First, requesting records chronologically has nothing to do with detecting an open visit in a time slice. As explained in the specification at page 9, line 32 through page 10, line 1, an open visit is a visit from an earlier import operation to which a hit record is assigned. Nowhere does Hansen teach or suggest that a visit might have been started before the current set of records is imported. In fact, by requesting records chronologically, Hansen only teaches looking at a particular moment in time for each record. This shows that Hansen does not teach the possibility of time slices, which are more than a single moment in time. Second, time slices involve import operations, a concept Hansen also does not teach.

It is true that, during the course of examining any individual hit record, there will likely be visits that began before that hit record was generated. But that does not mean that such a visit is an open visit as claimed. The Applicant points out that the definition of an open visit uses the term "import operation". During an import operation, a number of hit records are processed. Hansen does not explicitly describe any analogue to this concept: the closest implicit analogue

that can be found in Hansen would be the processing of all the records in the log file during a preprocessing, as described in column 7, line 23 through column 11, line 26 of Hansen. And even if such an analogy were made, Hansen still fails to teach or suggest the concept of an open visit as claimed.

Second, the claims describe the concepts of a current time slice and an adjacent time slice. A time slice is, as described on page 9, lines 9-10 of the specification, an interval of time. But an individual record occurs at a single point in time: it does not span an interval. Thus, Hansen also fails to teach the concept of time slices as claimed.

As the combination of Hansen and Weinberg does not teach open visits or time slices, claim 14 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Similarly, claim 36 is allowable.

F. Claims 20, 22, 42, 44, and 50 are patentable over Hansen in view of Weinberg

Insofar as claims 20, 22, 42, 44, and 50 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 20 on behalf of the group.

Claim 20 depends from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 20.

In rejecting claim 20, the Examiner cites to column 2, lines 61-67 of Hansen (*see* Office Action dated February 14, 2007, page 7). The Examiner argues that Hansen teaches a "Web page giving a user access to usage information, in this case, the visit/hit record information must be purged to the user in order for the user to access this type of usage information" (*see* Office Action dated February 14, 2007, page 7).

To begin with, the Applicant does not agree with the Examiner's logic. On page 7 of the Office Action dated February 14, 2007, the Examiner states that "[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to purge the visit/hit record information with the motivation of allowing the release of this type of information to one who requests it." But the Examiner is using the term "purged" in a manner inconsistent with the claims: in the claims, the term "purged" refers to deleting information from the database (*see, e.g.*, specification, page 10, lines 22-25, page 14, lines 17-20, and FIG. 13B, reference 1335).

But if the visit/hit record information has been deleted (that is, "purged"), then there is no information that can be released "to one who requests it". The Examiner has not explained why giving a user access to usage information mandates that the visit/hit record information be "purged".

The only interpretation the Applicant can provide for the Examiner's statement, based on the cited portion of Hansen, is that purging, as used by the Examiner, refers to clearing the screen so that other information can be displayed. But there are two problems with this interpretation. First, this "purging" would not be the type of purging referred to in the claims. Second, in fact, Hansen is clear that such "purging" is not required.

First, the claims are all clear that the information being purged is being purged from the database. Since the database is distinguishable from the display, clearing the display is not what is being claimed. And clearing the display as in Hansen does not automatically imply that the database is affected in any way. This means that Hansen does not teach or suggest the claimed feature.

Third, in column 2, lines 65-66, Hansen states that "[r]espective displays of Web-site content and of usage information can coexist on the screen". If content and usage information can coexist, then it is not true that one information "must be purged" (according to the Examiner) to display the other information. Thus, Hansen explicitly teaches away from "purging" in this context, and the Examiner is incorrect in arguing that Hansen teaches purging.

The Examiner attempts to argue that Hansen teaches "purging" by arguing that "Hansen discloses a Web page giving a user access to usage information, in this case, the visit/hit record information must be purged in order for the user to access this type of usage information, reason being that the information must be cleared from the database before being transmitted to the user" (*see* Office Action dated February 14, 2007, page 17). In this case, the Examiner has substituted one term that does not make sense in context ("purged") for another ("cleared"). The Applicant can only conclude that in arguing that "the information must be cleared from the database before being transmitted to the user", the Examiner is using the term "cleared" to mean "to free from obligation or encumbrance" (*see* Definition of clear - Merriam-Webster Online Dictionary from http://www.m-w.com, a copy of which is attached hereto). This definition does not imply or suggest that the information of deleted or "purged", as claimed.

As the combination of Hansen and Weinberg does not teach purging any information, claim 20 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Similarly, claims 22, 42, 44, and 50 are allowable.

G. Claims 53 and 56 are patentable over Hansen in view of Weinberg

Insofar as claims 53 and 56 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 53 on behalf of the group.

In rejecting claim 53, the Examiner indicates that at column 5, lines 49-56, Hansen teaches the feature of identifying a uniform resource locator and a parameter name for the value for the visit information (*see* Office Action dated February 14, 2007, pages 9-10). But, in fact, all that the cited portion of Hansen describes is that displays need to be synchronized: for example, when a URL is downloaded. There is no mention in the cited portion of Hansen (or anywhere else in Hansen) about a parameter name. In fact, Hansen does not even use the term "parameter" anywhere. But claim 53 recite that "the URL and the parameter name [are specified] as a source of a value for the visit information". So the source of the value for the visit information includes the parameter name. As Hansen does not teach parameter names, Hansen does not teach the features of claim 53.

The Examiner also cites to Figs. 1, 1A, 1B, and 1C of Hansen (*see* Office Action dated February 14, 2007, page 18), arguing that these figures show parameter names, such as "Get the context" and "Meet Nelson Roldan". But Figs. 1, 1B, and 1C of Hansen do not show any parameters. A person skilled in the art will recognize that this is part of the content of the web page, and not a parameter (which is understood to be part of the URL: *see, e.g.*, specification, page 8, lines 13-27; and page 11, line 28 through page 12, line 20).

As the combination of Hansen and Weinberg does not teach identifying a uniform resource locator (URL) and a parameter name for the value for the visit information, specifying the URL and the parameter name as a source of a value for the visit information, and storing the name of the visit information and the source of a value for the visit information in a database, claim 53 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Similarly, claim 56 is allowable, as are claims 55 and 58, which also depend from claims 53 and 56.

H. Claims 59-61 are patentable over Hansen in view of Weinberg

Insofar as claims 59-61 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 59 on behalf of the group.

Claim 59 depends from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 59.

In the Office Action dated February 14, 2007, the Examiner indicates that claim 59 is rejected under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. However, the Examiner gives no specific explanation as to why claim 59 is rejected. Thus, the only arguments regarding the patentability of claim 59 is the argument submitted by the Applicant in the response to the Office Action dated September 22, 2006.

As argued above, claim 1 recites that the content group is "viewed" by the visitor. New claims 59-61 further emphasize this point, reciting that the content group is identified based on a content viewed by the visitor. This reinforces the point made above, that the content group is not defined by the coding of the content, but rather by the content itself. As previously argued, Weinberg does not filter based on the content itself, only its coding.

As the combination of Hansen and Weinberg does not teach identifying the content group based on a content viewed by the visitor, claim 59 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Similarly, claims 60-61 are allowable.

I. Summary

As the combination of Hansen and Weinberg does not teach all of the features of claims 1-6, 9, 11-14, 19-28, 31, 33-36, 41-50, 53, 55-56, and 58-61, claims 1-6, 9, 11-14, 19-28, 31, 33-36, 41-50, 53, 55-56, and 58-61 are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg. Accordingly, claims 1-6, 9, 11-14, 19-28, 31, 33-36, 41-50, 53, 55-56, and 58-61 are allowable.

IV. Rejection of claims 8 and 30 over Hansen in view of Weinberg and Dedrick

Insofar as claims 8 and 30 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 8 on behalf of the group.

Claim 8 depends from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 8.

In rejecting claim 8, the Examiner acknowledges that "neither Hansen et al, nor Weinberg et al disclose wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business" (*see* Office Action dated February 14, 2007, pages 11-12). The Examiner cites to Dedrick, column 18, lines 34-39 as teaching this feature.

The Applicant respectfully disagrees. While Dedrick mentions advertisements, this does not mean that Dedrick teaches identifying the advertising campaign that brought the visitor to the business. It is worth keeping in mind that claim 8, which depends from claim 1, describes identifying the advertising campaign as part of "recognizing visit information for the visitor based on the hit record" (*see* claim 1).

Dedrick is directed toward providing advertisements to end users, using a "yellow page server" (*see* Dedrick, column 18, line 35). The "yellow page server" is not the same as the server of the business: quite the contrary, Dedrick states that the "yellow page servers 22 serve as the repositories for the electronic advertisements" (*see* Dedrick, column 5, lines 5-6). The servers that host the businesses are therefore elsewhere.

Dedrick can identify the advertising campaign that "sends" a user to a businesses web site. But Dedrick does not provide this information to the business. Nor does Dedrick provide any way for the business to identify the advertising campaign that "brought" the visitor to the business, as claimed. This difference is important. Dedrick's focus is from the perspective of the advertising source, from which it is easy to identify the campaign. But from the perspective of the business, which is the perspective of the claims, it is difficult to identify the advertising campaign that brought the visitor to the business; Dedrick does not teach or suggest how such information might be identified.

An analogy might be helpful. Consider a series of rooms, each with a single door; each door leads out into a common hall. From the perspective of any individual room, it is a trivial

matter to tell which door leads into the hall. This is the perspective Dedrick presents. But from the perspective of the hall, with someone standing somewhere at random in the hall, it is very difficult to identify the room from which the person entered the hall. Dedrick is akin to a user standing in the individual room before the door is opened, but the Examiner is attempting to argue that the same information can be learned by an observer looking into the hall after a person has entered the hall and closed the door to the room from which they entered. The two situations are not analogous, and the teachings of Dedrick do not meet the features of the claims, whether by itself or in combination with Hansen and Weinberg.

The Examiner argues that Dedrick discloses an exchange of information between the advertiser and the system running the yellow page server. Specifically, the Examiner argues that "in Col. 18, lines 34-39 of Dedrick, the advertisement title is transmitted to the yellow page server. In Col. 3, lines 11-16 of Dedrick, it is shown that the yellow page server is coupled to the publisher unit and that the transfer of electronic information takes place between the two. Therefore the business (publisher) has access to information in the yellow page server, which includes the advertisement title, thereby causing the publisher to identify the advertising campaign" (*see* Office Action dated February 14, 2007, pages 18-19).

The Examiner is drawing unwarranted conclusions from what Dedrick states. The Applicant agrees that Dedrick describes the advertisement title being transmitted to the yellow page server. If the advertiser cannot transmit the advertisement to the yellow page server, how can the advertisement be presented by the yellow page server to customers? But that is all Dedrick says: the advertisement, advertisement title, the consumer scale, and the desired or most value user profile characteristics is transmitted to the yellow page server: nothing more. More importantly, there is no suggestion that data is transmitted back from the yellow page server to the advertiser.

That the publisher is coupled to the yellow page server does not help the Examiner. All Dedrick says is that "[t]he publisher unit and servers of the WAN system contain the interface hardware and software necessary to transfer electronic information between the components of the system" (*see* Dedrick, column 3, lines 13-16). Nowhere does Dedrick describe what types of "electronic information" are transferred from "the components of the system" to "the publisher unit". Again, the Examiner is arguing from the general to the specific, arguing that because there

is some transfer of information, the transfer must necessarily include the features of the claimed invention. But without a specific description in Dedrick of the features of the claimed invention, the Examiner's argument is unsupported, and is inappropriate.

As the combination of Hansen, Weinberg, and Dedrick does not teach identifying an advertising campaign that brought the visitor to a business, claim 8 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Dedrick. Similarly, claim 30 is allowable.

V. Rejections over Hansen in view of Weinberg and Foote

A. Foote is not analogous art to Hansen and Weinberg

M.P.E.P. § 2141.01(a) provides that to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art. Prior art is analogous art if the reference is "in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." The M.P.E.P. cites to *Medtronic, Inc. v. Cardiac Pacemakers, Inc.*, 721 F.2d 1563, 220 U.S.P.Q. 97 (Fed. Cir. 1983) as an example of art that was analogous because both references used circuits in high power, high frequency devices which inhibited the runaway of pulses from a pulse source. The court held that one of ordinary skill in the pacemaker designer art would look to the solutions of others when faced with a rate limiting problem.

The present invention relates to storing network traffic information. In contrast, Foote relates to storing and updating configuration information about I/O cards. These fields are not analogous.

There is no logical reason for the present inventors to have considered the Foote patent when addressing the problem solved in the present application. Foote generates a memory image of the configuration state of an I/O card from its terminal base. When that I/O card is removed and a new I/O card inserted, the new card can be configured using the memory image. This has nothing to do with network traffic information. As Foote does not even address network traffic information, it would not make sense for the inventor of the present application to refer to Foote.

The Examiner states that "Foote discloses this limitation [the semaphore] in an analogous art for the purpose of determining the times of subsequent access requests" (*see* Office Action dated February 14, 2007, page 13). But the Examiner presents no argument as to why the

Examiner believes Foote is analogous art. And the fact that the claimed invention uses a semaphore on a database does not mean that Foote, which is directed toward I/O card configuration information, is automatically analogous art.

The Examiner argues that "Foote is analogous art since it discloses a system for monitoring activity on a network bus. . . . As in Hansen and Weinberg, activity on a network is monitored, although Hansen and Weinberg specifically disclose that the network is the Internet" (*see* Office Action dated February 14, 2007, page 19). First, the Examiner is taking advantage of a common word "network" in making his argument, and is ignoring the context of the term. As the Examiner notes, the "network" is Hansen and Weinberg is the Internet: a way for computers to talk to each other. The "network" in Foote is a "network bus": that is, a specific form of connection between modules within a single computer. The Applicant believes that a person skilled in the art would consider a "network bus" to be a different concept from a "network", and would not look to a reference describing a "network bus" as teaching features that could be applied to a "network".

Second, the Examiner is providing an incorrect motivation to consider Foote analogous art. The question is not whether the references include a common word, or even a common concept: the question is whether the subject matter of the reference as a whole is something a person of skill in the art would consider. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned" (*see* M.P.E.P. § 2141.01(a), citing *In re Oetiker*, 977 F.2d 1443, 1446, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992)). Foote is concerned with configuring information about I/O cards, and would not be considered pertinent to the problem of analyzing hit information. Foote is neither "in the field of applicant's endeavor . . . [nor] reasonably pertinent to the particular problem with which the inventor was concerned" (*see* M.P.E.P. § 2141.01(a)). A person skilled in the art of analyzing hit information would not think to consider Foote in combination with Hansen and Weinberg.

As Foote is not analogous art to Hansen and Weinberg, Hansen and Weinberg cannot be combined with Foote. Accordingly, claims 15-18, 37-40, and 51-52 are allowable.

B. Claims 15, 37, and 52 are patentable over Hansen in view of Weinberg and Foote

Insofar as claims 15, 37, and 52 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 15 on behalf of the group.

Claim 15 depends from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 15.

Claim 15 includes the feature of a semaphore. The Examiner states that "neither Hansen et al nor Weinberg et al disclose the following" (*see* Office Action dated February 14, 2007, page 13): the Applicant assumes the Examiner is acknowledging that Hansen and Weinberg both fail to disclose the concept of a semaphore, given that the Examiner refers to Foote for the concept of a semaphore.

While Foote does include the word "semaphore", Foote is not teaching a semaphore as claimed. According to claim 15, the semaphore is released when the visit information is stored. In contrast, Foote teaches something called a "semaphore request time parameter". According to Foote, the semaphore requests time parameter "specifies the maximum time duration the I/O module control [*sic*] access to the register space" (*see* Foote, column 5, lines 63-65). In other words, the Foote semaphore request time parameter indicates to a blocked process a time at which the semaphore will have been released by the process that had grabbed the semaphore. Put yet another way, the Foote semaphore is guaranteed to be released by its requestor no later than the time specified by the semaphore request time parameter (although another process, blocked or otherwise, might grab the semaphore before the blocked process grabs the semaphore for itself). The claimed invention makes no such guarantee that the semaphore will ever be released, nor is any time parameter provided by which the process that has currently grabbed the semaphore will release it. As "claims of issued patents are interpreted in light of the specification . . . . An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)" (*see* M.P.E.P. § 2111.01 (emphasis in original); *see also* M.P.E.P. § 2173.05(a)). As Foote is providing a definition of semaphore that contradicts the ordinary and customary meaning of the term, the semaphore of Foote is distinguishable from the semaphore of claim 15.

In addition, nowhere does Foote recite actively releasing the semaphore, and in fact, Foote does not require active release of the semaphore. The semaphore will be released automatically after the semaphore request time parameter has passed. In contrast, claim 15 recites "releasing the semaphore", a feature not taught or suggested by Foote.

As the combination of Hansen, Weinberg, and Foote does not teach releasing a semaphore, or even a semaphore as claimed, claim 15 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Foote. Similarly, claims 37 and 52 are allowable, as are dependent claims 16 and 38.

C. Claims 16 and 38 are patentable over Hansen in view of Weinberg and Foote

Insofar as claims 16 and 38 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 16 on behalf of the group.

Claim 16 depends (indirectly) from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 16.

In rejecting claim 16, the Examiner states that "Foote discloses this limitation . . . for the purpose of determining the times of subsequent access requests" (*see* Office Action dated February 14, 2007, page 13). But this is not the purpose of the semaphore in the claims. As stated in claim 16, the purpose of the semaphore is to "block[] an operation on the time range until the semaphore is released". This distinction is subtle, but important. Foote guarantees a time at which the process currently holding the semaphore will have released it. The claims, on the other hand, use the semaphore to block the operation until the semaphore is released. Thus, in the claimed invention, it is theoretically possible for the operation to be blocked indefinitely by whatever currently holds the semaphore. This possibility does not exist in Foote.

As the combination of Hansen and Weinberg does not teach blocking an operation on the time range until the semaphore is released, claim 16 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Dedrick. Similarly, claim 38 is allowable.

D. Claims 17 and 39 are patentable over Hansen in view of Weinberg and Foote

Insofar as claims 17 and 39 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 17 on behalf of the group.

Claim 17 depends from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 17.

As argued above with reference to claim 15, the semaphore is released when the visit information is stored. Claim 17 elaborates on this concept, reciting releasing the semaphore after the visit information is retrieved. As the semaphore in Foote is released when a specific amount of time has passed, Foote cannot teach releasing the semaphore after the visit information is retrieved.

As argued above with reference to claim 15, nowhere does Foote recite actively releasing the semaphore, and in fact, Foote does not require active release of the semaphore. The semaphore will be released automatically after the semaphore request time parameter has passed. In contrast, claim 17 recites "releasing the semaphore". This active step is not taught or suggested by Foote, because Foote does not need it: the semaphore of Foote is released automatically with the passage of a certain amount of time.

As the combination of Hansen and Weinberg does not teach releasing the semaphore after the visit information is retrieved, claim 17 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Dedrick. Similarly, claim 39 is allowable.

E. Claims 18, 40, and 51 are patentable over Hansen in view of Weinberg and Foote

Insofar as claims 18, 40, and 51 have been rejected under the same grounds, Applicant argues the claims as a group. The arguments below are made with respect to claim 18 on behalf of the group.

Claim 18 depends from claim 1. Accordingly, all arguments made above with reference to claim 1 also apply to claim 18.

Claim 18 recites a snapshot. The Examiner states that "neither Hansen et al nor Weinberg et al disclose the following" (*see* Office Action dated February 14, 2007, page 14): the Applicant assumes the Examiner is acknowledging that Hansen and Weinberg both fail to

disclose the concept of a snapshot, given that the Examiner refers to Foote for the concept of a snapshot.

The Examiner cites to column 36, lines 37-39 of Foote as teaching a snapshot. According to the cited portion of Foote, "[t]he Snap Shot feature of the present invention allows the user to capture the state of a module bank for later use as a power up configuration upon the next power-up event." In other words, the use of Foote's snapshot is limited to power-up configuration at the next power-up event. In contrast, the claims recite the use of the snapshot in analyzing the visit information. This is distinguishable from Foote's use of the snapshot feature.

As the combination of Hansen and Weinberg does not teach using a snapshot in analyzing the visit information, claim 18 is patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Dedrick. Similarly, claims 40 and 51 are allowable.

F. Summary

As the combination of Hansen, Weinberg, and Foote does not teach all of the features of claims 15-18, 37-40, and 51-52, claims 15-18, 37-40, and 51-52, are patentable under 35 U.S.C. § 103(a) over Hansen in view of Weinberg and Foote. Accordingly, claims 15-18, 37-40, and 51-52 are allowable.

VI. Argument Summary

In summary, the combination of Hansen and Weinberg, optionally including Dedrick or Foote, does not teach identifying a content group viewed by the visitor or storing the content group viewed by the visitor in a database, extracting information from a web-based form, eliminating inaccurate counting of visit information from the database, regenerating visit information from the hit record in the database for the open visit, open visits or time slices, purging any information, identifying a uniform resource locator (URL) and a parameter name for the value for the visit information, specifying the URL and the parameter name as a source of a value for the visit information, and storing the name of the visit information and the source of a value for the visit information in a database, identifying the content group based on a content viewed by the visitor, identifying an advertising campaign that brought the visitor to a business, a semaphore, releasing a semaphore, blocking an operation on the time range until the semaphore

is released, releasing the semaphore after the visit information is retrieved, or using a snapshot in analyzing the visit information. Therefore, these references and any combinations thereof do not teach all of the features of the claims and thus the references do not render the claimed invention obvious.

CONCLUSION

For the foregoing reasons, Applicant requests that the Board reverse the Examiner's 35 U.S.C. § 103(a) rejections of Applicant's claims.

Respectfully submitted,
MARGER JOHNSON & MCCOLLOM, P.C.

Ariel S. Rogson
Registration No. 43,054

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, Oregon 97204
(503) 222-3613
Customer No. 20575

CLAIMS APPENDIX

37 C.F.R. § 41.37(c)(viii)

The text of the claims on appeal (claims 1-6, 8-28, 30-53, 55-56, and 58-61) is:

1. (Previously Presented) A method for storing network traffic data, the method comprising:

retrieving a hit record of network traffic data;

assigning the hit record to a visitor;

recognizing visit information for the visitor based on the hit record;

identifying a content group viewed by the visitor; and

storing the visit information for the visitor and the content group viewed by the visitor in a database.

2. (Original) A method according to claim 1, wherein retrieving a hit record includes retrieving the hit record from a log file.

3. (Original) A method according to claim 1, wherein retrieving a hit record includes retrieving the hit record from the database.

4. (Original) A method according to claim 1, wherein recognizing visit information includes assigning the hit record to a visit.

5. (Original) A method according to claim 4, wherein assigning the hit record includes selecting the visit based on an Internet Protocol (IP) address within the hit record and a time delta since a previous hit record with the IP address.

6. (Original) A method according to claim 4, wherein assigning the hit record includes selecting the visit based on a cookie within the hit record and a time delta since a previous hit record with the cookie.

7. (Canceled)

8. (Original) A method according to claim 1, wherein recognizing visit information includes identifying an advertising campaign that brought the visitor to a business.

9. (Original) A method according to claim 1, the method further comprising extracting the visit information from a web-based form.

10. (Original) A method according to claim 9, wherein extracting the visit information includes identifying an amount of money spent during a visit.

11. (Original) A method according to claim 1, the method further comprising eliminating inaccurate counting of visit information from the database.

12. (Original) A method according to claim 11, wherein eliminating inaccurate counting includes:

identifying an open visit; and

deleting visit information derived from the open visit.

13. (Original) A method according to claim 12, wherein:

the method further comprises storing the hit record in a database; and

eliminating inaccurate counting further includes regenerating visit information from the hit record in the database for the open visit.

14. (Original) A method according to claim 12, wherein eliminating inaccurate counting further includes:

detecting an open visit in a current time slice;

determining a corresponding visit in an adjacent time slice; and

adding visit information from the open visit to the corresponding visit.

15. (Original) A method according to claim 1, wherein storing the visit information includes:

using a semaphore on the database for a time range; and

releasing the semaphore after the visit information is stored.

16. (Original) A method according to claim 15, wherein storing the visit information further includes blocking an operation on the time range until the semaphore is released.

17. (Original) A method according to claim 1, further comprising:

using a semaphore on the database;

retrieving the visit information from the database; and

releasing the semaphore after the visit information is retrieved.

18. (Previously Presented) A method according to claim 1, wherein storing the visit information further includes taking a snapshot of a setting for the database for use in analyzing the visit information.

19. (Original) A method according to claim 1, wherein retrieving a hit record includes filtering the hit record.

20. (Original) A method according to claim 1, the method further comprising purging the visit information from the database.

21. (Original) A method according to claim 1, further comprising storing the hit record in the database.

22. (Original) A method according to claim 21, further comprising purging the hit record from the database.

23. (Previously Presented) A computer-readable medium containing a program to store network traffic data, the program comprising:

retrieval software to retrieve a hit record of network traffic data;

assignment software to assign the hit record to a visitor;

recognition software to recognize visit information for the visitor based on the hit record;

identification software to identify a content group viewed by the visitor; and

storing software to store the visit information for the visitor and the content group viewed by the visitor in a database.

24. (Original) A computer-readable medium containing a program according to claim 23, wherein the retrieval software includes retrieval software to retrieve the hit record from a log file.

25. (Original) A computer-readable medium containing a program according to claim 23, wherein the retrieval software includes retrieval software to retrieve the hit record from the database.

26. (Original) A computer-readable medium containing a program according to claim 23, wherein the recognition software includes assignment software to assign the hit record to a visit.

27. (Original) A computer-readable medium containing a program according to claim 26, wherein the assignment software includes selection software to select the visit based on an Internet Protocol (IP) address within the hit record and a time delta since a previous hit record with the IP address.

28. (Original) A computer-readable medium containing a program according to claim 26, wherein the assignment software includes selection software to select the visit based on a cookie within the hit record and a time delta since a previous hit record with the cookie.

29. (Canceled)

30. (Original) A computer-readable medium containing a program according to claim 23, wherein the recognition software includes identification software to identify an advertising campaign that brought the visitor to a business.

31. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising extraction software to extract the visit information from a web-based form.

32. (Original) A computer-readable medium containing a program according to claim 31, wherein the extraction software includes identification software to identify an amount of money spent during a visit.

33. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising elimination software to eliminate inaccurate counting of visit information from the database.

34. (Previously Presented) A computer-readable medium containing a program according to claim 33, wherein the elimination software includes:

identification software to identify an open visit; and

deletion software to delete visit information derived from the open visit.

35. (Original) A computer-readable medium containing a program according to claim 34, wherein:

the program further comprises storing software to store the hit record in a database; and

the elimination software further includes regenerating software to regenerate visit information from the hit record in the database for the open visit.

36. (Original) A computer-readable medium containing a program according to claim 34, wherein the elimination software further includes:

detection software to detect an open visit in a current time slice;

determination software to determine a corresponding visit in an adjacent time slice; and

addition software to add visit information from the open visit to the corresponding visit.

37. (Original) A computer-readable medium containing a program according to claim 23, wherein the storing software includes:

using software to use a semaphore on the database for a time range; and

releasing software to release the semaphore after the visit information is stored.

38. (Original) A computer-readable medium containing a program according to claim 37, wherein the storing software further includes blocking software to block an operation on the time range until the semaphore is released.

39. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising:

using software to use a semaphore on the database;

retrieval software to retrieve the visit information from the database; and

releasing software to release the semaphore after the visit information is retrieved.

40. (Previously Presented) A computer-readable medium containing a program according to claim 23, wherein the storing software further includes snapshot software to take a snapshot of a setting for the database for use in analyzing the visit information.

41. (Original) A computer-readable medium containing a program according to claim 23, wherein the retrieval software includes filtering software to filter the hit record.

42. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising purging software to purse the visit information from the database.

43. (Original) A computer-readable medium containing a program according to claim 23, the program further comprising storing software to store the hit record in the database.

44. (Original) A computer-readable medium containing a program according to claim 43, the program further comprising purging software to purge the hit record from the database.

45. (Previously Presented) An apparatus designed to store network traffic data, the apparatus comprising:

a computer system;

at least one hit record on the computer system;

a database on the computer system, the database designed to store visit information derived from the hit record; and

means for deriving visit information from the hit record on the computer system, the visit information including at least one content group viewed by at least one visitor.

46. (Original) An apparatus according to claim 45, wherein the hit record is stored in a log file on the computer system.

47. (Original) An apparatus according to claim 45, wherein the hit record is stored in the database on the computer system.

48. (Original) An apparatus according to claim 45, wherein the means for deriving includes a data extractor designed to extract the visit information from the hit record.

49. (Original) An apparatus according to claim 45, the apparatus further comprising means for eliminating inaccurately counted the visit information.

50. (Original) An apparatus according to claim 49, wherein the means for eliminating includes means for purging the inaccurately counted visit information from the database.

51. (Previously Presented) An apparatus according to claim 45, the apparatus further comprising a snapshot of a setting for the database for use in analyzing the visit information.

52. (Original) An apparatus according to claim 45, the apparatus further comprising a semaphore for blocking an operation on a time range in the database.

53. (Previously Presented) A method for tracking a visit information, the method comprising:

assigning a name to the visit information;

identifying a uniform resource locator (URL) and a parameter name for the value for the visit information;

specifying the URL and the parameter name as a source of a value for the visit information; and

storing the name of the visit information and the source of a value for the visit information in a database.

54. (Canceled)

55. (Original) A method according to claim 53, the method further comprising:

accessing the value for the visit information for a visitor; and

linking the visit information, the visitor, and the value for the visit information in the database.

56. (Previously Presented) A computer-readable medium containing a program to track a visitor characteristic, the program comprising:

assignment software to assign a name to the visit information;

identification software to identify a uniform resource locator (URL) and a parameter name for the value for the visit information;

specification software to specify the URL and the parameter name as a source of a value for the visit information; and

storage software to store the name of the visit information and the source of a value for the visit information in a database.

57. (Canceled)

58. (Original) A computer-readable medium containing a program according to claim 56, the program further comprising:

accessing software to access the value for the visit information for a visitor; and

linking software to link the visit information, the visitor, and the value for the visit information in the database.

59. (Previously Presented) A method according to claim 1, wherein identifying a content group viewed by the visitor includes identifying the content group based on a content viewed by the visitor.

60. (Previously Presented) A computer-readable medium containing a program according to claim 23, wherein the identification software includes identification software to identify the content group based on a content viewed by the visitor.

61. (Previously Presented) An apparatus according to claim 45, wherein the means for deriving visit information includes means for identifying the at least one content group based on a content viewed by the at least one visitor.

EVIDENCE APPENDIX

37 C.F.R. § 41.37(c)(ix)

NONE

RELATED PROCEEDINGS APPENDIX

37 C.F.R. § 41.37(c)(x)

NONE